

From: [Zito, Kelly](#)
To: [Keener, Bill](#)
Subject: FW: EPA letter to Corps of Engineers re Cargill Salt Plant Clean Water Act jurisdictional determination
Date: Tuesday, February 02, 2016 9:08:00 AM
Attachments: [Letter to John C. Morrow.pdf](#)

From: Skadowski, Suzanne
Sent: Wednesday, March 18, 2015 6:46 PM
To: Kao, Jessica <Kao.Jessica@epa.gov>; Diamond, Jane <Diamond.Jane@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Keener, Bill <Keener.Bill@epa.gov>; Kermish, Laurie <Kermish.Laurie@epa.gov>; Blumenfeld, Jared <BLUMENFELD.JARED@EPA.GOV>
Cc: Rao, Kate <Rao.kate@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Scianni, Melissa <Scianni.Melissa@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>
Subject: FW: EPA letter to Corps of Engineers re Cargill Salt Plant Clean Water Act jurisdictional determination

Final desk statement and letter sent to Paul Rogers at San Jose Mercury News.

Suzanne Skadowski
Public Affairs Specialist
U.S. Environmental Protection Agency | San Francisco
D: 415-972-3165 | C: 415-265-2863 | E: skadowski.suzanne@epa.gov

From: Skadowski, Suzanne
Sent: Wednesday, March 18, 2015 6:43 PM
To: 'progers@mercurynews.com'
Subject: EPA letter to Corps of Engineers re Cargill Salt Plant Clean Water Act jurisdictional determination

Hi Paul,

As you requested, attached please find a letter from the U.S. EPA Region 9 to the U.S. Army Corps of Engineers regarding the Clean Water Act jurisdictional determination for the Cargill Redwood City Salt Plant property. Below is our official statement on this issue. Please attribute this statement only to "U.S. EPA Region 9" but do not quote me directly.

Protecting San Francisco Bay, a designated "estuary of national significance" under the Clean Water Act, is a top priority for EPA Region 9. Over 90 percent of the Bay's historic tidal wetlands have been lost, but there are now important public and private efforts to preserve and restore the Baylands, including large-scale salt pond and salt marsh restoration projects.

In 2012, Cargill Corporation and DMB Pacific Ventures asked EPA and the Corps to determine whether Cargill's "Redwood City Salt Plant" property, a 1,478-acre diked area on the Redwood City shoreline next to the Don Edwards National Wildlife Refuge, is subject to the Clean Water Act. The two agencies share the responsibility to minimize adverse impacts from fill activities in regulated waters.

On March 18, 2015, EPA exercised its special case authority under an MOU with the Corps to make the Clean Water Act jurisdictional determination for this Cargill property. EPA will undertake a thorough review of available data on the historic and present environmental conditions of the site, originally a tidal marsh and later a salt-making facility, its hydrologic connection to the Bay, and its restoration potential. Waters subject to the Clean Water Act include those that are currently used, were used in the past, or may be susceptible to use in commerce, including all tidal waters.

EPA expects its detailed scientific and legal analyses of this ecologically significant site to continue into late 2015 or early 2016.

Let me know if you have any questions. Thank you.

Suzanne Skadowski

Public Affairs Specialist

U.S. Environmental Protection Agency | San Francisco

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